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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,742	02/09/2001	Brian Viscount	1091	6942
7590	06/28/2005		EXAMINER	NGUYEN, HAI V
IRA J. SCHAEFER HOGAN & HARTSON LLP 875 THIRD AVENUE NEW YORK, NY 10022			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/780,742	VISCOUNT ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Hai V. Nguyen	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 November 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-6 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-6 and 19-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. This Office Action is in response to the communication received on 22 November 2004.
2. Claims 1, 7-18 are cancelled.
3. Claims 19, 20-23 are new.
4. Claims 2-6, 19-23 are presented for examination.

### ***Response to Arguments***

5. Applicant's arguments and amendments filed on 22 November 2004 have been fully considered but they are not to be persuasive. Applicant's arguments are deemed moot in view of the following new ground(s) of rejection as explained here below, necessitated by Applicant's substantial amendment (*i.e., canceled claims 1, 7-18 and added claims 19-23, and amended claims 2-4*) to the claims which significantly affected the scope thereof.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 19-23, 2-6 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ramberg et al. U.S. patent #: 6,857,013 B2.**

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8. As to claim 1, Ramberg teaches substantially the invention as claimed, including a method for servicing a wireless dataform reading device (*Fig. 7, ADC device 100*) comprising the steps of: providing a diagnostic program (*Fig. 7*) in the device which provides remote access to configuration information for the device; informing a remote servicing agent (*remote service technician*) of a condition where the device is not properly decoding a dataform; providing the remote servicing agent access to the configuration information using a communications protocol over a network (*TCP/IP connection, Abstract*); receiving from the remote servicing agent modified configuration information to thereby configure the device to properly decode the dataform (*Figs. 6-9, col. 14, lines 28-67; col. 15, lines 1-67; col. 16, line 1-67; col. 17, lines 1-44; col. 19, line 58 – col. 20, line 11*)

9. As to claim 20, Ramberg teaches, wherein the dataform is a printed bar code (*col. 1, lines 26-28*).

10. As to claim 21, Ramberg teaches, wherein the device comprises a laser scanner (*col. 6, lines 1-14*).

11. As to claim 22, Ramberg teaches, wherein the device comprises an RFID reader (*col. 6, lines 1-14*).

12. As to claim 23, Ramberg teaches, wherein the device comprises an OCR reader (*col. 6, lines 1-14*)

13. As to claim 2, Ramberg teaches, wherein the network is the Internet (*Fig. 1*).

14. As to claim 3, Ramberg teaches, wherein the modified configuration information is provided over the *network* (*col. 13, lines 27-43*).

15. As to claim 4, Ramberg teaches, wherein the step of informing a remote servicing agent comprises sending a request to service over the network *col. 19, line 58 – col. 20, line 11*).
16. As to claim 5, Ramberg teaches, wherein the device is a scanning terminal (*Fig. 7, ADC device*).
17. As to claim 6, Ramberg teaches, wherein the device is an integrated scanning terminal (*col. 6, lines 1-14*).
18. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen  
Examiner  
Art Unit 2142

  
ANDREW CALDWELL

SUPERVISORY PATENT EXAMINER

